

## STATE OF SOUTH CAROLINA

## (Caption of Case)

Application of PRTCommunications, LLC for  
Designation as an Eligible Telecommunications  
Carrier

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

DOCKET  
NUMBER: 2008 - 300 - C

(Please type or print)

Submitted by: Margaret M. Fox, EsquireSC Bar Number: 65418Address: McNair Law Firm, P. A.Telephone: 803-799-9800P. O. Box 11390Fax: 803-753-3219Columbia, SC 29211

Other: \_\_\_\_\_

Email: pfox@mcnair.net

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other: \_\_\_\_\_

## INDUSTRY (Check one)

- ☐ Electric  
☐ Electric/Gas  
☐ Electric/Telecommunications  
☐ Electric/Water  
☐ Electric/Water/Telecom.  
☐ Electric/Water/Sewer  
☐ Gas  
☐ Railroad  
☐ Sewer  
☒ Telecommunications  
☐ Transportation  
☐ Water  
☐ Water/Sewer  
☐ Administrative Matter  
☐ Other: \_\_\_\_\_

## NATURE OF ACTION (Check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Affidavit                 | <input checked="" type="checkbox"/> Letter                 | <input type="checkbox"/> Request                   |
| <input type="checkbox"/> Agreement                 | <input type="checkbox"/> Memorandum                        | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer                    | <input type="checkbox"/> Motion                            | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review          | <input type="checkbox"/> Objection                         | <input type="checkbox"/> Resale Agreement          |
| <input type="checkbox"/> Application               | <input type="checkbox"/> Petition                          | <input type="checkbox"/> Resale Amendment          |
| <input type="checkbox"/> Brief                     | <input type="checkbox"/> Petition for Reconsideration      | <input type="checkbox"/> Reservation Letter        |
| <input type="checkbox"/> Certificate               | <input type="checkbox"/> Petition for Rulemaking           | <input type="checkbox"/> Response                  |
| <input type="checkbox"/> Comments                  | <input type="checkbox"/> Petition for Rule to Show Cause   | <input type="checkbox"/> Response to Discovery     |
| <input type="checkbox"/> Complaint                 | <input type="checkbox"/> Petition to Intervene             | <input type="checkbox"/> Return to Petition        |
| <input type="checkbox"/> Consent Order             | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation               |
| <input type="checkbox"/> Discovery                 | <input type="checkbox"/> Prefiled Testimony                | <input type="checkbox"/> Subpoena                  |
| <input type="checkbox"/> Exhibit                   | <input type="checkbox"/> Promotion                         | <input type="checkbox"/> Tariff                    |
| <input type="checkbox"/> Expedited Consideration   | <input type="checkbox"/> Proposed Order                    | <input type="checkbox"/> Other: _____              |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest                           |  |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit             |  |
| <input type="checkbox"/> Late-Filed Exhibit        | <input type="checkbox"/> Report                            |  |

Print Form

Reset Form

April 26, 2010

Margaret M. Fox

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Ms. Jocelyn Boyd  
Interim Chief Clerk/Administrator  
South Carolina Public Service Commission  
Synergy Business Park, The Saluda Building  
101 Executive Center Drive  
Columbia, South Carolina 29210

Re: Application of PRTCommunications, LLC for Designation  
as an Eligible Telecommunications Carrier  
**Docket No. 2008-300-C**

Dear Ms. Boyd:

I am writing on behalf of PRTCommunications, LLC ("PRTComm") to request that PRTComm be permitted to withdraw its application in this docket without prejudice, and that the hearing in this matter, which is currently scheduled for July 8, 2010, be cancelled.

PRTComm has previously requested two continuances in this proceeding. Those continuances were requested, and granted, because of the continuing uncertainty regarding the federal high-cost service funding amounts for which competitive ETCs are eligible in South Carolina following the issuance of an interim cap order by the Federal Communications Commission ("FCC").

It continues to be unclear exactly what the impact of PRTComm's application would be on PRTComm and other competitive ETCs in South Carolina. The amount of federal high-cost support for which PRTComm would be eligible as a competitive ETC operating in South Carolina is a critical piece of information that PRTComm needs in order to proceed with its application. For this reason, and rather than requesting another continuance in this matter, PRTComm believes it is in the interest of administrative economy and efficiency to withdraw its application without prejudice, reserving the right to re-file the application at such time in the future as the impact of the application can be accurately assessed.

McNair Law Firm, P. A.  
The Tower at 1301 Gervais  
1301 Gervais Street, 11th Floor  
Columbia, SC 29201

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S.C. Code Ann. § 58-3-225(E) provides as follows:


A party may withdraw its petition, application, complaint, counterclaim, cross claim, or third party claim from any commission docket one time as a matter of right, and without prejudice, provided that it does so prior to the later of the date that responsive pleadings are filed or the date that the withdrawing party's direct testimony addressing such petition, application, complaint, counterclaim, cross claim, or third party claim is due to be filed with the commission. A party may thereafter withdraw its petition, application, complaint, counterclaim, cross claim, or third party claim from any commission docket only upon order of the commission and upon such terms and conditions as the commission considers proper.

PRTComm filed its direct testimony in this proceeding on November 5, 2008. Therefore, it is within the Commission's discretion to permit PRTComm to withdraw its application upon such terms and conditions as the Commission considers proper. For the reasons stated above, PRTComm respectfully submits that it is in the interest of the parties and the Commission to allow PRTComm to withdraw its application without prejudice. We have contacted counsel for the Office of Regulatory Staff, the only other party to this proceeding, and ORS does not have an objection to PRTComm's request. Furthermore, there will be no prejudice to other parties as a result of granting this request, because PRTComm is the only party that filed testimony in this proceeding. Granting the request would allow for an efficient use of the parties' and the Commission's time and resources.

If you have any questions or there is anything further we can provide, please let me know. Thank you for your assistance.

Very truly yours,

McNAIR LAW FIRM, P.A.

  
Margaret M. Fox

MMF:rwm

cc: Parties of Record  
Randal Odom, PRTCommunications, LLC

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2008-300-C**

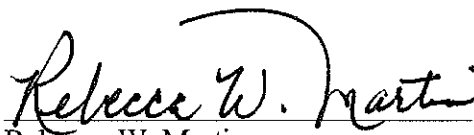
IN RE:

Application of PRTCommunications,  
LLC for Designation as an Eligible )  
Telecommunications Carrier )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

This is to certify that I, Rebecca W. Martin, an employee with the McNair Law Firm, P. A., have this date served one (1) copy of the letter requesting a withdrawal of application in the above-referenced matter to the persons named below by causing said copy to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below.

C. Lessie Hammonds, Esquire  
Nanette S. Edwards, Esquire  
Office of Regulatory Staff  
Post Office Box 11263  
Columbia, South Carolina 29211

  
Rebecca W. Martin  
McNair Law Firm, P.A.  
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April 26, 2010

Columbia, South Carolina